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Meeting of States Parties

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Letter dated 30 April 2010 from the Chairperson of the Commission on the Limits of the Continental Shelf addressed to the President of the twentieth Meeting of States Parties

1. In my capacity as Chairperson of the Commission on the Limits of the Continental Shelf, I wish to inform you about the progress of work of the Commission since the nineteenth Meeting of States Parties, in June 2009.

2. It may be recalled that the Commission was established to perform two specific functions, as set out in article 3 (1) of annex II to the Convention:

(a) To consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76 and the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea;

(b) To provide scientific and technical advice, if requested by the coastal States concerned, during the preparation of the data referred to in subparagraph (a) above.

3. Since the nineteenth Meeting of States Parties, the Commission has held its twenty-fourth and twenty-fifth sessions at United Nations Headquarters. The twenty-fourth session was held from 10 August to 11 September 2009. The twenty-fourth session was resumed from 2 to 6 November 2009 and from 7 to 11 December 2009. The twenty-fifth session was held from 15 March to 23 April 2010. Details of the work of the Commission at its twenty-fourth, resumed twenty-fourth and twenty-fifth sessions are contained in the statements of the Chairman on the progress of work (CLCS/64 and CLCS/66).

Twenty-fourth session of the Commission

Consideration of submissions

4. At its twenty-fourth session, the Subcommission completed its consideration of the submission made by France in respect of French Guiana and New Caledonia. Following the submission of the recommendations to the Commission by the Subcommission, the Commission extended an invitation to the delegation of France

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to address the Commission. Thereafter, the Commission considered and adopted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by France in respect of French Guiana and New Caledonia". These recommendations were transmitted to the coastal State concerned and to the Secretary-General of the United Nations in accordance with the provisions of the Convention.

5. The Commission and its Subcommissions continued their consideration of the submissions made by Barbados, by the United Kingdom of Great Britain and Northern Ireland in respect of Ascension Island and by Indonesia in respect of North West of Sumatra Island. The Commission also held meetings with the respective delegations.

6. The Commission decided that, in order to ensure expediency and efficiency in the light of a large number of submissions, another subcommission might be established as an exception to the general rule contained in the rules of procedure. Accordingly, a subcommission to examine the submission made by Japan was established. The Subcommission met and also held an initial meeting with the delegation of Japan, which made a series of presentation concerning the submission.

7. Regarding the joint submission made by Mauritius and Seychelles which was next in line for consideration by the Commission, it was decided that a subcommission would not be formed to consider the submission until two of the existing subcommissions had submitted their recommendations to the plenary of the Commission.

8. It is recalled that from 5 December 2008 to 12 May 2009, the Commission received 36 submissions in view of the expiration of the time period set out in article 4 of Annex II to the United Nations Convention on the Law of the Sea (the "Convention") and in accordance with the decision of the eleventh Meeting of States Parties (SPLOS/72), making a total number of 51.[1] In addition, coastal States had transmitted 44 sets of preliminary information to the Secretary-General, indicative of the outer limits of their continental shelf beyond 200 nautical miles, in accordance with paragraph 1 (a) of the decision taken at the eighteenth Meeting of States Parties (SPLOS/183).

9. At its twenty-fourth session, the Commission heard presentations on the submissions made by Suriname, Myanmar, the United Kingdom in respect of Hatton Rockall Area, Ireland in respect of Hatton Rockall Area, Uruguay, the Philippines in the Benham Rise region, the Cook Islands in respect of the Manihiki Plateau, Fiji, Argentina, Ghana, Denmark in the area north of the Faroe Islands and the joint submission by Malaysia and Viet Nam in respect of the southern part of the South China Sea, as well as the submissions made by Kenya, Mauritius in the region of Rodrigues Island, Viet Nam in respect of the North Area, Nigeria, Seychelles concerning the Northern Plateau Region, and Côte d'Ivoire. In each case, the Commission addressed the modalities for the consideration of the submission and took decisions as appropriate that are reflected in the statement of the Chairperson (CLCS/64).

[1] See www.un.org/Depts/los/clcs_new/commission_submissions.htm.

Twenty-fifth session of the Commission

Consideration of submissions

10. The consideration of the submissions made by Barbados, and by the United Kingdom of Great Britain and Northern Ireland in respect of Ascension Island was completed by the respective Subcommissions. Following the submission of the recommendations to the Commission by the Subcommissions, the Commission extended an invitation to the respective delegations to address the Commission. Thereafter, on 15 April 2010, following a thorough consideration of both submissions as well as of presentations made by the delegations, the Commission adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Submission made by Barbados on 8 May 2008", and the "Recommendations of the Commission on the Limits of the Continental Shelf in Regard to the Submission Made by the United Kingdom of Great Britain and Northern Ireland in Respect of Ascension Island on 9 May 2008". These recommendations were transmitted to the coastal States concerned and to the Secretary-General of the United Nations in accordance with the provisions of the Convention.

11. It is recalled that, in addition to the submissions received during the period from 5 December 2008 to 12 May 2009, the Commission received an additional submission by one of the States that had earlier presented preliminary information, namely, Cuba, on 1 June 2009.[1] At the twenty-fifth session, the Commission heard presentations on the submissions made by France in respect of the French Antilles and the Kerguelen Islands and by Norway in respect of Bouvetøya and Dronning Maud Land, on the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau, and on the submissions by Portugal, the United Kingdom "in respect of the Falkland Islands and of South Georgia and the South Sandwich Islands",[2,3] Tonga, Spain in respect of the area of Galicia, Trinidad and Tobago, Namibia and Cuba.

Other matters

12. At the twenty-fifth session, given the large number of submissions, the Commission continued to address the issues related to its workload including in connection with the ongoing work of the Informal Working Group of the Bureau of the nineteenth Meeting of States Parties. It is recalled that at the twenty-fourth session of the Commission, the Bureau of the nineteenth Meeting of States Parties met the Commission at its plenary and on that occasion a detailed presentation was made on behalf of the Commission by Mr. Carrera.[4] Following this meeting with the Commission, the Informal Working Group held a meeting on 26 January 2010 and the Coordinator of the Working Group invited the Chairperson to participate in the meeting. At the twenty-fifth session of the Commission, the Chairperson presented a report on the meeting of the Informal Working Group which he had attended together with two other members of the Commission.

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[2] See the title of the executive summary of the present submission.

[3] Note by the Secretariat: a dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

[4] This presentation is available on the website of the Division for Ocean Affairs and the Law of the Sea at www.un.org/Depts/los.

13. At the twenty-fifth session, the Commission also decided to accept the invitation by the Coordinator to attend another meeting of the Informal Working Group that was held concurrently with the plenary part of the session. The Commission prepared, through a working group established for that purpose, a presentation which was then delivered to the Informal Working Group by Mr. Carrera at the meeting held on 14 April 2010.

14. In that presentation, the Commission elaborated on its procedures in examining the submission, including the exceptions that it had made on three consecutive occasions in order to establish additional subcommissions to expedite the consideration of submissions. The presentation also highlighted past communications from the Commission addressed to the Meeting of States Parties, including presentations on the workload of the Commission made since 2005, the proposal made in 2006 as contained in the letter from the Chairperson of the Commission to the President of the sixteenth Meeting of States Parties (SPLOS/140)[5] that members of the Commission should receive emoluments and expenses through the regular budget of the United Nations, and the alternative proposal as contained in the letter from the Chairperson of the Commission to the President of the nineteenth Meeting of States Parties (SPLOS/195) proposing a definition of expenses for members, as referred to in Annex II to the Convention. The presentations noted that neither of those proposals had been supported by the Meeting of States Parties.

15. The presentation further elaborated on the number of submissions and on various scenarios of the pace of their consideration. In that regard, it acknowledged the concerns voiced by submitting States that the current situation did not serve well the timely, effective and efficient implementation of the international legal regime as established by the Convention. The presentation then described measures that had been implemented by the Commission, noting that the Commission had extended to its maximum current capacity the number of weeks of the work of Subcommissions that could be conducted by their members both at United Nations Headquarters and in their respective home countries. In concluding, the presentation emphasized that nine years of experience in considering submissions indicated that the Commission operated most effectively when all members were present in New York and that, in the long term, without financial support the most important suggestions made by the Informal Working Group could not possibly be implemented.[6]

Future work of the Commission

16. Recalling that the plenary part of the twenty-sixth session would be held from 16 to 27 August 2010, the Commission decided that the Subcommission established to examine the submission made by Japan would meet from 2 to 13 August; the Subcommission established to examine the submission made by Indonesia would meet from 2 to 13 August; the Subcommission established to examine the joint submission made by Mauritius and Seychelles would meet from 9 to 13 August and from 30 August to 3 September; and the Subcommission established to examine the submission made by Suriname would meet from 30 August to 3 September.

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[5] Reintroduced at the seventeenth and nineteenth Meetings of States Parties (SPLOS/156 and SPLOS/195).

[6] This presentation is available on the website of the Division for Ocean Affairs and the Law of the Sea at www.un.org/Depts/los.

17. The secretariat informed the Commission about the tentative dates for the sessions to be held in 2011, on the understanding that those dates and the provision of conference services were subject to approval by the General Assembly. The tentative dates for the plenary parts of the sessions of the Commission in 2011 are now as follows: twenty-seventh session, from 28 March to 8 April 2011; and twenty-eighth session, from 15 to 26 August 2011.

18. In recent years, the workload of the Commission has substantially increased. The Commission wishes to assure the Meeting of States Parties that it is doing its utmost, under its existing conditions of service, to address this workload and to examine submissions efficiently and in a speedy manner. In this regard, I would like to express our gratitude to the Meeting of States Parties for its continued support for the work of the Commission.

19. On behalf of the Commission, I would also like to express gratitude to the Division for Ocean Affairs and the Law of the Sea for the high standard of secretariat services it renders to the Commission.

20. I would like to request that the present letter be circulated as a document of the twentieth Meeting of States Parties.

(*Signed*) Alexandre Tagore Medeiros de **Albuquerque**
Chairman of the Commission on the Limits of the Continental Shelf